

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 18082 of 1994

Between:

L.Appala Naidu (Appanna) S/o.Lakalapu, Krishna Murthy,
Palaki (Village & Mandal), Srikkakulam Dist.,

..... PETITIONER

AND

- 1 Government of Andhra Pradesh rep. by its Secretary, P.R.
Department, Secretariat, Hyderabad.
- 2 The Government of Andhra Pradesh rep. by its Secretary Bldgs, Education
Department, Hyderabad.
- 3 The Dist.Collector- cum-Chairman, of the Selection Committee,
Srikakulam, Srikakulam District.
- 4 The District Development Officer, Zilla Praja Parishad,
Srikakulam, Srikakulam District.
- 5 The District Special Officer, Zilla Praja Parishad,
Srikakulam, Srikakulam District.

(WP stands dismissed as against RR4 and R5 for default vide

Court order dt.14-12-99)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or directions, declaring that G.O.Ms.No.221, Education Dept, dated. 16.07.1994 as unconstitutional and illegal and further direct the respondents to appoint the petitioner as teacher in the existing vacancies in the A.P.State Controlled Bodies along with the petitioners covered by the order of this Hon'ble Court by Sri Justice S.R.Nayak in WP MP.No.17958/94 etc, batch dated 8-9-94 after declaring that art. 323-A, Cl.2(d) of the constitution and Section 28 of A.P. Administrative Tribunal Act, 1985 as unconstitutional for violating the basis structure and pass

Counsel for the Petitioner: MR.K.R.PRABHAKAR

**Counsel for the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEV.
FOR RR 1 TO 3**

The Court made the following :

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ORDER :-

It is represented by the learned counsel for the petitioner as well as the learned Government Pleader for Panchayat Raj that this Writ Petition is not maintainable, in view of the Judgment of the Supreme Court in ***L.CHANDRAKUMAR Vs. UNION OF INDIA*** and the remedy of the petitioner is to approach the Andhra Pradesh Administrative Tribunal.

In the circumstances, this Writ Petition is dismissed, giving liberty to the petitioner to approach the Andhra Pradesh Administrative Tribunal and seek redress of his grievance, if the petitioner is so advised and so chooses. No costs.

09-07-2004

prv

To

- 1 The Secretary, Government of Andhra Pradesh, P.R. Department, Secretariat, Hyderabad.
- 2 The Secretary, Government of Andhra Pradesh, Education Department, Secretariat Buildings, Hyderabad.
- 3 The Dist.Collector- cum-Chairman, of the Selection Committee, Srikakulam, Srikakulam District.
- 4 The District Development Officer, Zilla Praja Parishad, Srikakulam, Srikakulam District.
- 5 The District Special Officer, Zilla Praja Parishad, Srikakulam, Srikakulam District.
- 6 2CCs to GP for PANCHAYAT RAJ & RURAL DEV.
- 7 2CD copies

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

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W.P.No.18082 of 1994

DATED 09-07-2004

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